

**The Highland Council**  
**Resources Committee – 26 August 2015**

Agenda Item	<b>11</b>
Report No	<b>RES/ 64/15</b>

**Managing Smoking at Work**

**Report by Depute Chief Executive/Director of Corporate Development**

**Summary**

This report proposes updates to the Council's policy on Managing Smoking at Work to bring it into line with the recommendations in the Scottish Government's 2013 Tobacco Strategy.

**1. Background**

- 1.1 The current Managing Smoking at Work policy was introduced in 2006 to reflect the requirements of The Health and Social Care (Scotland) Act 2005. It was updated in 2014 when the ban on tobacco products was extended to include the use e-cigarettes as a result of information from the NHS Health Promotions team. A ban on the charging of e-cigarettes in Council workplaces was also introduced due to the high risk of fire, as advised by Scottish Fire and Rescue Service.
- 1.2 The current policy states that there are no designated smoking breaks and staff can only smoke outwith their contractual hours. Staff are not permitted to smoke in Council owned vehicles and there is also a ban on smoking in all wholly or substantially enclosed Council premises, including all access doorways and approaches to Council buildings.

**2. Scottish Government's 2013 Tobacco Strategy**

- 2.1 The Scottish Government's 2013 Tobacco Strategy included the following target for Local Authorities to *"implement fully smoke-free policies across their properties and surrounding grounds by 2015, including setting out appropriate enforcement measures. The opportunity to extend smoke-free policies to other outdoor areas should be included in local tobacco control plans in support of SOAs"*.

**3. Managing Smoking at Work 2015**

- 3.1 In order to support this target, the Highland Council's Managing Smoking at Work policy has been updated to extend the smoking ban to include the surrounding grounds of its premises which are considered to be "workplaces". This will include the surrounding grounds of offices, depots and schools.

#### **4. Consultation and Communication/Promotion of the Policy Changes**

- 4.1 The trade unions have been consulted about the proposed changes which were submitted to and approved by the Central Safety Committee in February 2015. In response to queries from the trade unions it was emphasised that there would be a measured approach to any enforcement action by managers and any disciplinary action would be a last resort.
- 4.2 Managers and staff will be made aware of the changes via Corporate newsletters, Service/Area health & safety meetings and email/intranet.
- 4.3 Smoking cessation assistance is available free of charge from the NHS and staff wishing support will be signposted to that assistance.
- 4.4 An implementation date of 1 October 2015 is proposed to allow for communication/awareness of the changes.

#### **5. Implications**

- 5.1 Legal: Failure to comply with the Health and Social Care (Scotland) Act 2005 can lead to employers facing a fine.  
  
Financial: There will be a small cost for the removal/relocation of smoking bins/signage.
- 5.2 Failure to ensure staff safety can lead to civil action against the Council.
- 5.3 There are no Risk, Equalities, Climate Change/ Carbon Clever, Gaelic or Rural implications arising from this report.

#### **6. Recommendations**

It is recommended that the Resources Committee approves the changes in the Managing Smoking at Work policy as set out in Sections 3 and 4 of the report and agrees an implementation date of 1 October 2015 for the changes.

Designation: Depute Chief Executive/Director of Corporate Development

Date: 7 August 2015

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Background Papers: [A tobacco control strategy for Scotland.](#)